

From: Darryl Davidson
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:37pm
Subject: regarding Microsoft Settlement

To whom it may concern;

My name is Darryl Davidson. I am a computer professional, with 20 years of involvement in the industry, and I have spent a considerable amount of time monitoring this case. I'm writing to voice my grave disappointment at the settlement being offered Microsoft in their ongoing antitrust trial.

As a consumer, I've watched Microsoft repeatedly add features to their various operating systems that made for compelling upgrade sales, then abandon these features a version or two later. The price climbs, the quality stays mediocre, and the market value earned by Microsoft's monopoly has literally exploded.

If Microsoft is to be treated as a legal monopoly like many public utilities, a profit margin that is literally orders of magnitude above the cost of goods produced (hundreds of dollars retail for OS copies that cost a few dollars) needs to be a targeted, regulated outcome of their monopoly status.

If, as this settlement allows, there will be no public protections against the gouging that Microsoft is busily doing, and if the remedies presented are going to be this toothless, antitrust has become a travesty.

The remedies need to provide direct and immediate punitive damages at a level that acts as a corporate deterrent to the abusive practices Microsoft has been found guilty of. None of the remedies offered do this. This decree should be setting a new record for damages. Instead, it is less than a slap of the hand.

The remedies need to act to regain the balance and competition Microsoft has squelched through anticompetitive measures. Ignoring for a moment the patheticness of creating a 3 person board to monitor this settlement, allowing Microsoft ANY position in the regulatory board is ludicrous. One man can stymie a 3 person committee or board. Add in the lack of true, unassailable enforcement strengths given to this board, and you've nearly guaranteed we'll just be starting antitrust proceedings again in a few years.

In short, this settlement should be completely thrown out. It does nothing to remedy damages to consumers, nothing to deter anticompetitive acts in the future, and nothing toward enriching competition. It is a paper tiger, and will never accomplish a damn thing for those of us damaged by Microsoft's illegal acts.

--Darryl Davidson

PS: My only vested interests in any of these proceedings are 10 shares of Microsoft stock. I am not now, nor have I ever been, an employee of any of the primary companies involved in these proceedings. My interest is strictly as a consumer and as an industry member who empathizes with those caught in the crosshairs of large, anticompetitive corporations.

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